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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,941	12/15/2004	Kenji Seki	040654	5921
23850	7590	02/27/2009		
KRATZ, QUINTOS & HANSON, LLP			EXAMINER	
1420 K Street, N.W.			HENDRICKSON, STUART L	
Suite 400				
WASHINGTON, DC 20005			ART UNIT	PAPER NUMBER
			1793	
			MAIL DATE	DELIVERY MODE
			02/27/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/516,941	SEKI, KENJI	
	Examiner	Art Unit	
	Stuart Hendrickson	1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11/10/08.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16, 18 and 19 is/are pending in the application.
 4a) Of the above claim(s) 9-15 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-8, 16, 18 and 19 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____ . |

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8, 16, 18, 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, 'canister case' is confusing as to how it differs from canister. Is the carbon really put in a canister, which is then put into something else?

Claims 1-8, 16, 18, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2002-045385 taken with JP 183605.

The '385 reference teaches encapsulated phase change material with active carbon, and does not teach the canister. '605 teaches (see abstract) a canister for sorbent carbon. Using a canister for the '385 carbon is an obvious expedient to be able to contain, use and recover it for the purposes stated in '385.

'385 also does not teach the exact details claimed, however these are considered obvious as matters of optimization; *In re Boesch* 205 USPQ 215. For example, forming a block with a binder is an obvious expedient to make an easily handled, durable material. Using the sizes of claims 3-5 is an obvious expedient to provide a heat sink, and are suggested by the term 'microencapsulation' and the pore sizes expected of active carbons. Concerning the case of canisters, preparing several and shipping them (to a customer for example) in the same box is an obvious expedient to conduct a business operation.

Claims 1-8, 16, 18, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steelman et al. 5506293 taken with Klett 6673328 and Klett 6780505.

Steelman teaches, especially in col. 3, placing an encapsulated phase-change material into a carbon composition. An intimate mixture is contemplated and depicted. This differs in not using active carbon, however Klett teaches in col. 5 that phase change materials can be incorporated into active carbon. Thus, using the carbon of Klett in the process of Steelman is an obvious expedient to provide a heat adsorbing material. The sizes of claims 3-5 are considered to be obvious to provide a heat sink, and are suggested by the term 'microencapsulation' and the pore sizes expected of active carbons. The above does not teach a canister, however Klett '505 teaches, especially in col. 2 and fig. 2, putting thermal absorbing carbon in a canister and sending it into space. Thus, this is an obvious expedient to exploit its heat sorbing properties. Concerning the case of canisters, preparing several and shipping them (to NASA for example) in the same box is an obvious expedient to conduct a business operation.

Applicant's arguments filed 11/10/08 have been fully considered but they are not persuasive. The '385 rejection is updated to include the new argued limitation. The argument that Steelman does not teach the adsorbent is noted, and fully consistent with the rejection, which acknowledges this. Thus, the arguments are not relevant. Contrary to the arguments, Klett teaches the claimed sorbent and Steelman teaches an encapsulated material. The features argued at pg. 11 bottom ('adhered to' and 'directly filled') are not in fact being claimed.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to examiner Hendrickson at telephone number (571) 272-1351.

/Stuart Hendrickson/
Primary examiner Art Unit 1793